

ORDINANCE #2011-13

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED, "AN ORDINANCE OF THE BOROUGH OF ALLENHURST REGULATING AND LIMITING THE USES OF LAND AND THE USES AND LOCATIONS OF BUILDINGS AND STRUCTURES, REGULATING AND RESTRICTING THE HEIGHT AND BULK OF BUILDING AND STRUCTURES AND DETERMINING THE AREA OF YARDS, RESTRICTING THE DENSITY OF POPULATION; DIVIDING THE BOROUGH OF ALLENHURST INTO DISTRICTS FOR SUCH PURPOSES; ADOPTING A MAP OF SAID BOROUGH SHOWING BOUNDARIES AND CLASSIFICATIONS OF SUCH DISTRICTS AND ESTABLISHING PROCEDURES REGARDING THE SUBDIVISION OF LANDS AND THE APPLICATIONS FOR SITE PLAN APPROVAL AND PRESCRIBING THE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS", ADOPTED JUNE 26, 1979

BE IT ORDAINED, BY THE BOARD OF COMMISSIONERS OF THE BOROUGH OF ALLENHURST AS FOLLOWS:

SECTION I. That section 200 of the above entitled Ordinance is hereby amended as follows:

Swimming Pool, Portable: Portable pools shall not be subject to the requirements of Section 500 and are those pools which are not otherwise permanently installed; do not require water filtration, circulation and purification; do not exceed a water surface area of one hundred (100) square feet; have a depth of less than eighteen (18) inches; and do not require braces or supports.

Swimming Pools, Private Residential: Private residential swimming pools shall mean and include artificially constructed pools, having a depth of eighteen (18) inches or more and/or a water surface of one hundred (100) square feet or more; designed and maintained for swimming and bathing purposes by an individual for use by members of his household and guests and which is located within a dwelling or on a lot as an accessory use to a dwelling and shall include all equipment and appurtenances thereto.

SECTION II. That section 511 of the above entitled Ordinance is hereby amended as follows:

511. SWIMMING POOLS

- A. No private swimming pool shall be constructed or installed on any lot unless the lot contains a dwelling.
- B. Pools shall occupy no more than 800 square feet of water surface area.

- C. No pool shall be constructed at an elevation greater than 12 inches higher than the unaltered existing ground elevation.
- D. No pool shall be closer than 10 feet to any structure.
- E. Pool equipment shall be located only in the rear yard and shall be located inside the structure of the garage or at least 10 feet to property line and buffered for sound and visual enhancement.
- F. Pool water may not be discharged at the curb or upon the surface of any street or into the storm sewer.
- G. Pool footprint shall not encroach on any existing overhead wires with a minimum of a five foot buffer or more as may be required by utility company.
- H. No construction activity shall begin prior to 8:00 AM and no later than 5:00 PM.
- I. Prior to any construction activities, applicant shall call for utility service markout.
- J. PERMITTING. A permit is required for all private swimming pools. The application for such permit shall be accompanied by plans and specifications prepared by a duly licensed engineer in the State of New Jersey, together with the required fee. The following is required for the issuance of a permit or variance:
 - 1. Applicant must submit a grading and drainage plan prepared, signed and sealed by a Professional Engineer, licensed in the State of New Jersey.
 - 2. Proposed grading must ensure surface runoff will have no impact on adjacent properties.
 - 3. Lighting and illumination plan must be submitted. All illumination used in connection with any pool shall be directed and shielded so as to avoid annoyance or nuisance to the occupants of adjacent and neighboring properties, and shall be subject to the approval of the Zoning Officer and/or the Allenhurst Planning Board.
 - 4. Fountains, waterfalls or jet propulsion systems, other than as needed for filtering, are not permitted.
 - 5. A good quality fence, which is no less than 50 percent open, shall enclose such pool at least four feet in height. The fence shall be in compliance with the Swimming Pool Code of New Jersey, including being equipped with a gate or gates of the same height as the fence and equipped with a self-locking device.

- a. A full depth soil boring, soil log, soil analysis and groundwater analysis, including establishment of depth to the seasonal high groundwater table shall be provided with any residential swimming pool permit application. A report on the soil and groundwater conditions shall be prepared by a licensed geotechnical engineer and submitted as part of any proposed pool application, including any recommended construction details.
 - b. Bottom elevation of pool structure shall not be less than two (2') feet above the seasonal high groundwater elevation, as defined by January 1 through April 1 of each year.
 - c. A Request for Authorization must be made to the NJDEP for any construction dewatering. A copy of such request shall be copied to the Borough of Allenhurst and presented with the request for permit.
- 6. The following construction activities must be shown on a plot plan:
 - a. Stone tracking pad
 - b. Perimeter silt fence
 - c. Hay bale inlet protection
 - d. Zero Silt runoff from residential property
 - e. No off-site discharge of construction dewatering activities.
 - f. Curb and sidewalk restoration.
- K. The plans and specifications shall specify the dimensions of the proposed pool, location thereof with respect to building, property lines and curb lines, the material proposed to be used in the construction, plumbing layout and safety provisions.
- L. No pool shall be constructed, installed or maintained nearer to any property line than twenty-five (25) feet and nearer to the ocean high water mark than two hundred and fifty (250) feet nor to any street curb closer than one hundred (100) feet.
- M. No private swimming pool shall have any connection whatsoever to the sanitary sewer system of the Borough of Allenhurst, and no water shall be discharged from such swimming pool into the sanitary sewer system.
- N. Any and all pools shall be subject, at all times, to inspection by the Police Department, the Board of Health, Plumbing Subcode Official, Zoning Officer, and the Construction Official.
- O. The construction, maintenance and operation of all swimming pools shall be in accordance with the current issue of the Swimming Pool Code of New Jersey promulgated by the New Jersey Department of Health, except where said code

differs in any respect from the provision of this ordinance. In such event the more restrictive provisions shall control.

- P. Construction Materials B All material used in the construction of private swimming pools shall be water-proofed and easily cleaned. The bottom and sides of the pool shall be either white or a light color. Sand or earth bottoms shall not be used.

SECTION III. SEVERABILITY

If any section, subsection, clause or phrase of this Ordinance is held unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this Ordinance.

SECTION IV. REPEALER

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION V. EFFECTIVE DATE

This Ordinance shall take effect twenty days after final passage and publication according to law.

APPROVED: June 28, 2011

ADOPTED: July 26, 2011